

Message Text

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16

ACTION EA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00

USIE-00 INRE-00 PM-03 H-01 INR-05 L-02 NSC-05 PA-01

RSC-01 PRS-01 SP-02 SS-15 FBO-02 NIC-01 OMB-01 OPR-01

SCCT-01 USSS-00 A-01 SY-04 /058 W

----- 128299

O R 090910Z DEC 74

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC IMMEDIATE 6586

INFO AMCONSUL FUKUOKA

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E.O. 11652: N/A

TAGS: PINS, JA

SUBJ: PROSECUTION OF FUKUOKA CONSULATE ATTACKERS

REF: TOKYO 15242

1. FOREIGN OFFICE HAS INFORMED US THAT UNDER ARTICLE 92 OF CRIMINAL CODE OF JAPAN ATTACKERS WHO INVADED FUKUOKA CONSULATE LAST MONTH MAY BE PROSECUTED FOR DESCRATION OF FOREIGN FLAG. THEY WILL BE PROSECUTED AUTOMATICALLY ON OTHER CHARGES ARISING FROM THEIR ENTRY INTO CONSULATE PROPERTY, DESTRUCTION OF PROPERTY AND PHYSICAL ATTACK AGAINST CONSULATE PERSONNEL. FINDINGS OF GUILTY ON SUCH CHARGES ARE LIKELY TO RESULT IN MINIMAL PRISON SENTENCES. CONVICTION ON CHARGE OF DESECRATING FOREIGN NATIONAL FLAG, HOWEVER, WOULD RESULT IN IMPRISONMENT FOR AT LEAST TWO YEARS.

2. FOREIGN OFFICE NOTES THAT, WHILE AUTHORITES WISH TO PROSECUTE CULPRITS TO FULL EXTENT OF LAW, PREVIOUS PRACTICE HAS RESULTED IN JUSTICE MINISTRY REQUIREMENT THAT INJURED GOVERNMENT REQUEST PROSECUTION OF THOSE INVOLVED

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THROUGH WRITTEN NOTE TO FOREIGN OFFICE. PERIOD OF ALLOW-

ABLE DETENTION OF CULPRITS ON SUSPICION OF WRONGFUL ACTS
REPORTEDLY EXPIRES DECEMBER 13, AND FOREIGN OFFICE URGENTLY
WISHES TO KNOW INTENTION OF USG CONCERNING WRITTEN RE-
QUEST THAT CULPRITS BE PROSECUTED ON FLAG CHARGE.

3. EMBASSY HAS BEEN UNABLE TO LOCATE GUIDANCE IN FAM AND
REQUESTS DEPARTMENT'S INSTRUCTIONS WHETHER WE WISH TO
MAKE A REQUEST IN WRITING TO THE FOREIGN OFFICE THAT
FUKUOKA CULPRITS BE PROSECUTED FOR DESECRATION OF U.S.
NATIONAL FLAG. APPRECIATE CABLE RESPONSE ASAP BECAUSE
OF LEGAL DEADLINE CONFRONTING GOJ.
SHOESMITH

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Message Attributes

Automatic Decaptioning: X
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Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PENAL SYSTEM, VANDALISM, CONSULATES, COURT DECISIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 DEC 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Enclosure: n/a
Executive Order: N/A
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EO Systematic Review
30 JUN 2005

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Review Withdrawn Fields: n/a
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Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005